

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**MATTHEW HUSKEY**

**PLAINTIFF**

**v.**

**No. 1:17CV140-SA-JMV**

**MARSHALL FISHER, ET AL.**

**DEFENDANTS**

**JUDGMENT**

Having considered the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge and the objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is **ORDERED**:

- (1) That the plaintiff's objections to the Magistrate Judge's Report and Recommendation are **OVERRULED**;
- (2) That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court; and
- (3) That following defendants are **DISMISSED** from this case, as none of them participated in the events described in the complaint sufficiently to trigger liability under 42 U.S.C. § 1983: **MDOC Commissioner Marshall Fisher, MDOC Medical Director Gloria Perry, Health Service Administrator Dr. Dennis Gregory, Superintendent Earnest Lee, Unit 29 Warden Timothy Morris, and Richard Pennington**;
- (4) That Mr. Huskey's claims based upon *denial of adequate medical care* against **Dr. Juan Santos and Officer Hope** are **DISMISSED** because neither of these defendants' acts or omissions led to a denial of medical care;
- (5) That Mr. Huskey's claims against **Captain Mary Jones** *for failure to protect him from attack by other inmates* are **DISMISSED**, as she: (a) tried to prevent such an attack, and (b) participated in the events giving rise to this claim only in her capacity as a supervisor;
- (6) That Mr. Huskey's claims against **Captain Mary Jones** regarding *denial of medical care* will **PROCEED**, as Captain Jones directly prevented Mr. Huskey from being sent directly to the MDOC Hospital in Unit 42;
- (7) That the plaintiff's claims regarding *denial of medical care* will also **PROCEED** against **Dr.**

**Henry Kuiper** (for failing to ensure that the plaintiff visited an orthopedist in a timely fashion);

- (8) That Mr. Huskey's claims regarding *contamination of his food* will **PROCEED**, but *only if, within 28 days of the date of this Report and Recommendation he provides the names of defendants who participated in contaminating his food.*
- (9) That Mr. Huskey's claims regarding *monitoring his actions with cameras* is **DISMISSED** as delusional.

**SO ORDERED**, this, the 26th day of February, 2018.

/s/ Sharion Aycock  
**U.S. DISTRICT JUDGE**